

but consist with the letter and spirit of the constitution, are constitutional.”<sup>5</sup>

**3. Sovereign power of Congress over lands of the United States.—** Among the implied powers of the Federal Government essential to the accomplishment of its enumerated powers is the right to use its land or other property, without restraint or hindrance on the part of the States, in such manner as to best accomplish the purposes for which it was acquired. This power springs from the fact that the general government must of necessity be permitted to employ all necessary means to protect its property and to accomplish the powers delegated to it by the Constitution;<sup>6</sup> it exists independently of the express provision of the Constitution which empowers Congress to make all needful rules and regulations respecting the territory and other property of the United States, and without regard to whether the State has by legislative action agreed that the Federal Government may exercise any part of the State's jurisdiction over lands of the United States situated within the State.<sup>7</sup>

**4. State cannot interfere with Federal Government's use of its own lands.—** When land is used by the United States as a means of accomplishing some power delegated to it by the Constitution, such use cannot be interfered with or impaired by the State; a State cannot exercise any jurisdiction over such land that would limit the free and adequate use thereof for governmental purposes even though it may have been acquired in the first place without the consent of the State.<sup>8</sup>

It is not always easy to understand just how far the general government may go to effectuate a full, free and perfect use of its land for constitutional purposes, or, to state it conversely, just what action on the part of a State would amount to an interference with such use. No hard and fast rule can be laid down because of the great diversity of uses for which land is acquired by the Government. What would amount to an obstruction in one case might not do so in another. Each case must be considered according to its peculiar facts.

**5. Some illustrative cases.—** The State of Arizona was held to be without authority to interfere with the killing of deer by agents of the Federal Government in a manner and at a time contrary to the State game laws, when it was shown that the deer were damaging trees and foliage within Government-owned

<sup>5</sup> *McCulloch v. Maryland*, 4 Wheat., 315, 421.

<sup>6</sup> *Ex parte Siebold*, 100 U. S. 371; *Van Brocklin v. Tennessee*, 117 U. S. 151, 6 S. Ct. 670; *In re Neagle*, 135 U. S. 1, 10 S. Ct. 658.

<sup>7</sup> *Ex parte Siebold*, 100 U. S. 371.

<sup>8</sup> *Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S. 525, 5 S. Ct. 995; *Pundt v. Pendleton*, 167 Fed. 1001; *Surplus Trading Co. v. Cook*, 281 U. S. 647, 650, 50 S. Ct. 455; *Utah Power & Light Co. v. United States*, 243 U. S. 389, 37 S. Ct. 387; *James v. Dravo Contracting Co.*, 302 U. S. 134, 147, 149, 58 S. Ct. 208; *Stewart & Co. v. Sadrakula*, 309 U. S. 94, 103, 104, 60 S. Ct. 431.